

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

2006 JUN 13 PM 2:03

John J. Burns
Borgeson & Burns, PC
100 Cushman Street, Suite 311
Fairbanks, AK 99701
T: (907) 452-1666
F: (907) 456-5055

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

FAIRBANKS INVESTORS, INC.)
)
Plaintiff,)
v.)
)
UNITED STATES DEPARTMENT)
OF AGRICULTURE, FARM)
SERVICE AGENCY,)
)
Defendant.)
)

UNITED STATES OF AMERICA)
)
Third Party Plaintiff,)
v.)
)
LYALL BRASIER *aka* LYALL R.)
BRASIER, JR *aka* LYALL RAYMOND)
BRASIER, Jr. and JEANNETTE)
BRASIER *aka* JEANNETTE E.)
BRASIER *aka* JEANNETTE ELAINE)
BRASIER, Husband and Wife;)
VANDER WEELE FARMS; and)
FAIRBANKS INVESTORS, INC.,)
)
Third Party Defendants.)
_____)

Case No. F05-0023CV (RRB)

**ANSWER OF FAIRBANKS INVESTORS, INC.
TO CROSS-CLAIM AND THIRD PARTY COMPLAINT
FOR FORECLOSURE OF PERSONAL PROPERTY**

Third Party Defendant, Fairbanks Investors, Inc., herewith answers the Third Party Complaint of United State of America as filed in connection with the above referenced matter.

At the outset, Third Party Defendant, Fairbanks Investors, Inc. notes that the Cross Claim and Third Party Complaint of the United States of America involves exclusively claims asserted against Third Party Defendants, Lyall R. Brasier, Jr. and Jeannette E. Brasier, husband and wife and does not involve Fairbanks Investors, Inc. directly.

1. Admit.
2. Third Party Defendant Fairbanks Investors, Inc. is without sufficient information to admit or deny Paragraph 2 of Third Party Plaintiff's Counterclaim and Third Party Complaint and therefore denies the same.
3. Third Party Defendant Fairbanks Investors, Inc. is without sufficient information to admit or deny Paragraph 3 of Third Party Plaintiff's Counterclaim and Third Party Complaint and therefore denies the same.
4. Third Party Defendant Fairbanks Investors, Inc. is without sufficient information to admit or deny Paragraph 4 of Third Party Plaintiff's Counterclaim and Third Party Complaint and therefore denies the same.
5. Third Party Defendant Fairbanks Investors, Inc. is without sufficient information to admit or deny Paragraph 5 of Third Party Plaintiff's Counterclaim and Third Party Complaint and therefore denies the same.

6. Third Party Defendant Fairbanks Investors, Inc. is without sufficient information to admit or deny Paragraph 6 of Third Party Plaintiff's Counterclaim and Third Party Complaint and therefore denies the same.
7. Third Party Defendant Fairbanks Investors, Inc. is without sufficient information to admit or deny Paragraph 7 of Third Party Plaintiff's Counterclaim and Third Party Complaint and therefore denies the same.
8. Third Party Defendant Fairbanks Investors, Inc. is without sufficient information to admit or deny Paragraph 8 of Third Party Plaintiff's Counterclaim and Third Party Complaint and therefore denies the same.
9. Third Party Defendant Fairbanks Investors, Inc. is without sufficient information to admit or deny Paragraph 9 of Third Party Plaintiff's Counterclaim and Third Party Complaint and therefore denies the same.
10. Third Party Defendant Fairbanks Investors, Inc. is without sufficient information to admit or deny Paragraph 10 of Third Party Plaintiff's Counterclaim and Third Party Complaint and therefore denies the same.
11. Third Party Defendant Fairbanks Investors, Inc. is without sufficient information to admit or deny Paragraph 11 of Third Party Plaintiff's Counterclaim and Third Party Complaint and therefore denies the same.
12. Admit that portion of the property identified in Third Party Plaintiff's Counterclaim in which Third Party Plaintiff asserts a security interest is located on real property that Third Party Defendant, Fairbanks Investors, Inc. owns.

13. Denied.

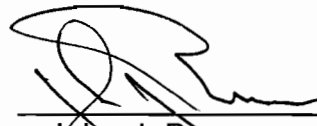
WHEREFORE, Third Party Defendant, Fairbanks Investors, Inc. requests judgment against counterclaimant and Third Party Plaintiff, United States of America as follows:

1. Declaratory Judgment. The Plaintiff and Third Party Defendant, Fairbanks Investors, Inc. is entitled to a possessory storage lien pursuant to AS 34.35.222 in an amount to be determined by the court;
2. Declaratory Judgment. Fairbanks Investors, Inc. has the right to retain possession of Defendant, United States Department of Agriculture, Farm Service Agency's farm equipment until FSA compensates Fairbanks Investors, Inc. for all storage costs incurred;
3. Award of Attorney's Fees and costs associated with this action;
4. What ever other and further relief the court deems just and equitable.

Respectfully submitted this 12th day of June, 2006, at Fairbanks, Alaska.

BORGESON & BURNS, PC
Attorney(s) for Fairbanks Investors, Inc.

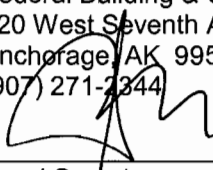
By: _____


John J. Burns
ABA: 8601002

Certificate of Service

I hereby certify that on the 13 day of June, 2006
a true and correct copy of the foregoing document was
provided to the following attorneys/parties of record:

☒ Mail ☐ Hand Delivery ☐ Courier ☒ Telefax
Daniel R. Cooper, Jr.
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
220 West Seventh Avenue, #9, Room 253
Anchorage, AK 99513-7567
(907) 271-2344

By: 
Legal Secretary
F:\305493\2\AMM7436.DOC